UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,882	05/10/2001	Mary Susan Huhn Eustis	03243-010001	5409

26161 7590 10/19/2005		**EXAMINER**
FISH & RICHARDSON PC		WINDER, PATRICE L
P.O. BOX 1022		

ART UNIT	PAPER NUMBER
2145	

MINNEAPOLIS, MN 55440-1022

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 July 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The examiner notes that the last petition to withdraw as applicant's

representative was denied, a communication to the effect was mailed on September 22,

2005. In a subsequent telephone conversation with Attorney Hieken, Examiner Winder

explained that the "notification" to the applicant should be explicit.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wilkinson et

al., USPN 5,966,528 (hereafter referred to as Wilkinson).

4.   Regarding claim 1, Wilkinson taught a method for simultaneous processing of

information (column 3, lines 23-29) comprising:

providing a matrix comprising a plurality of cells (column 6, lines 52-61), each cell

of the plurality of cells comprising at least one processor and at least one page (column

24, lines 30-36), the at least one page comprising one selected from the set consisting

of format counters, data pointers and processor counters (column 26, lines 40-46);

connecting at least one cell to at least one area of random access memory, the

area comprising at least one addressable location (column 28, lines 59-64), and the

connection being dynamically re-allocable to at least a second area of random access

memory (column 28, lines 20-24; column 28, line 64 – column 29, line 7);

locating instructions and registers in random access memory areas (column 26,

lines 59-66); and

processing information by at least one of the plurality of cells executing

instructions pointed to by at least one process counter (column 24, lines 30-36, column

27, lines 58-62).

Response to Arguments

5.   Applicant's arguments filed July 27, 2005 have been fully considered but they are

not persuasive.

6.   Applicant argues – "This portion (i.e. of Wilkinson) is not a matrix of cells as

exemplified in the paragraph beginning at line 18 of page 9 of the specification."

> a.   Applicant is well aware that the claim language is given the broadest
>
> reasonable interpretation (MPEP 2111). The broadest reasonable interpretation
>
> does not include examples such as "exemplified" in applicant's specification.
>
> b.   The broadest reasonable interpretation of "matrix of cells" is gleaned from
>
> the claim language itself. A cell comprises "at least one processor and least one
>
> page". The matrix is a "plurality of cells". By applicant's own admission Wilkinson
>
> teaches both.

7.   Applicant argues – "But that is not a disclosure of the page disclosed in this

application in the last paragraph on page three of the specification that contained

definitions of the information, automate the get function for getting information and

automate the analysis of the information that is collected."

      c.   Again the claim language in question is given the broadest reasonable

interpretation (MPEP 2111). This broadest reasonable interpretation does not

include the examples from the specification. The three functions attributed in the

last paragraph of specification on page 3 are "examples" of functions. Plus, the

written description is not clear that the functions are associated with the "cell" or

the "pages". Applicant's claim language does not provide any further clarification.

8.   Applicant argues – "That is hardly a disclosure of connecting that at least one cell

to at least one of random access memory."

      d.   Applicant admits data is transferred between a local PME main memory

and a local PME. In order to transfer data to a cell (a local PME) from a random

access memory (a local PME main memory) they must be connected.

9.   Applicant argues – "But the passage only discloses a number of registers, not

locating instructions and registers in random access memory areas."

      e.   Applicant admits that Wilkinson teaches PME's are "self-contained stored

microcomputers" on page 6 of the arguments filed on July 27, 2005. In the

passage in question "instructions" and "registers" are located in random access

memory.

10.   Applicant argues – "That is hardly a disclosure of processing information that at

least one of the plurality of cells executing instructions pointed to by at least one

process counter."

f.   Applicant admits that Wilkinson taught the PME maintains a program

counter PC address and uses the address to fetch a 16-bit instruction on page 6

of the response filed on July 27, 2005.

11.   Applicant argues – "Accordingly, if this ground of rejection is repeated, the

Examiner is respectfully requested to quote verbatim the language in each reference he

regard as corresponding to at least "a cell, a format counter, a data pointer and a

process counter."

g.   Wilkinson taught a cell comprises at least a processor and a page, see

column 24, lines 40-46. Wilkinson taught a format counter comprises a set of

instructions "where the location is placed in a field", the floating-point exponential

see column 5, lines 36-52. Wilkinson taught a data pointer comprises "a pointer

to information" in memory, the program counter of column 24, lines 30-36.

Wilkinson taught process counters "define processes associated with particular

information" and utilize a "set of operators", the executed command of column

24, lines 30-36.

h.   Applicant's claim language is given the broadest reasonable interpretation

as is consistent with MPEP 2111. The interpretation given might not have been

what applicant reasoned, being that applicant considered that corresponding

elements of the specification were providing definitions for the limitations in

question. However, because the limitations are described in the specification as

examples, the reasonable interpretation is based on context of the examples

given the specification on pages 5-6.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
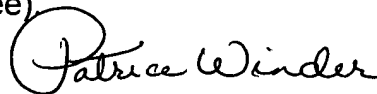
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrice Winder whose telephone number is 571-272-

3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Patrice Winder
Primary Examiner
Art Unit 2145

October 17, 2005